

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**SARAH LINDSLEY, on behalf of herself  
and all others similarly situated,**

*Plaintiff,*

**v.**

**TRT HOLDINGS, INC. and OMNI  
HOTELS MANAGEMENT  
CORPORATION,**

*Defendants.*

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**CIVIL ACTION NO. 3:17-cv-02942-C**

**JURY TRIAL DEMANDED**

**PLAINTIFF’S RESPONSE TO DEFENDANT TRT HOLDINGS, INC.’S MOTION FOR  
SUMMARY JUDGMENT**

Plaintiff Sarah Lindsley (“Plaintiff”) or (“Lindsley”) files this Response to Defendant TRT Holdings, Inc.’s (“Defendant” or “TRT”) Motion for Summary Judgment (“the Motion,” Dkt. 66-2) contemporaneously with its Brief in Support of Response and Appendix in Support of Response, respectfully asking the Court to deny Defendant’s Motion, and in support states as follows:

**I. SUMMARY**

Defendant’s Motion demands dismissal of Plaintiff’s claims. Defendant’s Motion must be dismissed because a material fact issue exists as to whether TRT was an employer of Plaintiff, precluding granting of the Motion. Alternatively, the Motion is premature because TRT has yet to respond to any of Plaintiff’s discovery requests.

**II. SUMMARY JUDGMENT EVIDENCE**

- 1) Declaration of Holt M. Lackey
- 2) Plaintiff’s First Request for Production to Defendants dated April 13, 2018

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FOR SUMMARY JUDGMENT**

- 3) Defendants TRT Holdings, Inc. and Omni Hotels Management Corporation's Objections and Responses to Plaintiff's First Request for Production to Defendants dated May 14, 2018
- 4) Plaintiff's Requests for Admission dated May 11, 2018
- 5) Defendants TRT Holdings, Inc. and Omni Hotels Management Corporation's Objections and Responses to Plaintiff's Requests for Admission dated June 11, 2018
- 6) Defendants TRT Holdings, Inc. and Omni Hotels Management Corporation's First Amended Objections and Responses to Plaintiff's Requests for Admission dated July 27, 2018
- 7) Plaintiff's Notice of 30(b)(6) Deposition dated August 15, 2018
- 8) Defendants TRT Holdings, Inc. and Omni Hotels Management Corporation's First Amended Objections and Responses to Plaintiff's First Set of Interrogatories to Defendants dated July 27, 2018
- 9) LinkedIn Page of Joy Rothschild
- 10) LinkedIn Page of Jeremy Williams
- 11) LinkedIn Page of Leanne Thoreson
- 12) Deposition of Joy Rothschild dated September 18, 2018

### **III. BRIEF AND APPENDIX IN SUPPORT OF MOTION**

The factual and legal grounds on which Plaintiff relies are set forth in its Brief in Support of Response and Appendix in Support of Response, both of which are filed concurrently in accordance with L.R. 7.1.

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**IV. CONCLUSION AND PRAYER**

Based on the foregoing, Plaintiff respectfully requests that the Court deny Defendant's Motion and grant her any and all further relief to which she is justly entitled.

Dated: January 22, 2019

Respectfully submitted,

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**COUNSEL FOR PLAINTIFF**

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2019 a true and correct copy of Plaintiff's Response to Defendants' Motion to Compel Discovery Responses was served via electronic mail on all counsel of record.

/s/ Jay D. Ellwanger  
Jay D. Ellwanger

**PLAINTIFFS' RESPONSE TO  
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